

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

JARED PARKS,

Plaintiff,

v.

Case No: 5:23-cv-361-JA-PRL

AMERICAN CATASTROPHE
SOLUTIONS, LLC,

Defendant.

ORDER

On July 18, 2023, Plaintiff filed the instant motion for clerk's default against Defendant, American Catastrophe Solutions, LLC. (Doc. 8). That same day, Defendant filed its Answer and Affirmative Defenses to Plaintiff's Complaint. (Doc. 9).

Pursuant to Rule 55(a), Fed. R. Civ. P, "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Although untimely, Defendant has filed its responsive pleading, thus evidencing its intention to defend against this action. In accordance with the judicial preference for a decision on the merits, Plaintiff's motion for clerk's default (Doc. 8) is due to be **DENIED**.

DONE and **ORDERED** in Ocala, Florida on July 27, 2023.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties